

# **New Hampshire Secretary of State**

## **NAME AVAILABILITY GUIDELINES**

Effective July 1, 2004, the name availability law has been changed to read; a name 'shall be distinguishable from, and not the same as or likely to be confused with or mistaken for.....' This new language has been standardized through all the name laws for all the entities registering with this office.

This notice provides guidelines when checking name availability. It also explains limitations on certain words, phrases and numbers which may or may not be used in a business name or which may or may not differentiate between names. These guidelines are not comprehensive and are for reference purposes only. Final determination of the availability of name is determined by this office. However, it should be noted that the Corporation Division will consider location and /or purposes when reviewing names for availability. Names should not be used in any manner, such as signs, cards, etc., until acknowledgement of the filing is received.

### **Definitions**

- 1) Article of speech - any one of the words “a,” “an,” or “the.”
- 2) Conjunction - a word or symbol that joins clauses, phrases or words together. Examples include “and”, “or”, “as”, “because”, “but”, “+”, “-“, “/”, “&”.
- 3) Contraction - the shortened form of a word, such as “ass’n” for “association” and “nat’l” for national.
- 4) Abbreviation - the shortened form of a word or a recognized shortening of a word to an unrelated combination of letters. Examples include “Mister” to “Mr.”, “pound” to “lb.”, “Brothers” to “Bros.”
- 5) Preposition - a word which expresses the relationship between a noun and another word. Examples are: “at”, “by”, “in”, “up”, “of”, “to” and the symbol @.
- 6) Grossly Offensive – words or phrases that are clearly derogatory to a particular group of people, such as a particular gender, ethnic group, religious group, race etc.
- 7) Obscene – words that are commonly understood to have a profane meaning or usage
- 8) Illegal connotation – words that inappropriately promote abusive or unlawful activity

## **Guidelines**

- 1) **Written Comparison of Names.** A comparison of names to determine similarity is made by comparing the names, using upper case letters of the English Alphabet and acceptable numerals and acceptable symbols.
- 2) **Characters of print acceptable in names.** Names may consist of letters of the English Alphabet, Arabic & Roman Numerals and certain symbols capable of being reproduced on a standard English language keyboard, or combination thereof.
  - a. Letters of the English Alphabet includes only upper case, or capital letters; no distinction as to type face or font is recognized.
  - b. Arabic Numerals includes 0,1,2,3,4,5,6,7,8, and 9
  - c. Roman Numerals include but are not limited to; I, V, X, C, and M and combinations thereof.
  - d. The symbols that may be recognized as part of a name shall include those symbols which appear on a standard English language keyboard. A space or spaces after words, letters, numerals or symbols may be considered as part of the name.
- 3) **False implication of Government Affiliation:** The name may not be one that might falsely imply governmental affiliation, local, state, or federal or any sub-division thereof. (e.g. State Troopers Association; I.R.S. Collections ).
- 4) **Grossly Offensive, Obscene or Names that have an Illegal connotation.** Names that contain words, phrases or references, as defined above, will not be acceptable. Names that may legitimately be understood to have a meaning that is not grossly offensive, despite contextual double entendre, are acceptable (e.g., Haulin' Ass for an animal transportation business or The Bitch Pound for a kennel business will be acceptable; however The Filthy Bitch Pub for a bar would not be acceptable).
- 5) **"Entity designations"** are not considered distinguishing parts of a name. examples of entity designation that do NOT distinguish the names;
  - a. International System Corporation; International System Ltd.; International System Co.
  - b. White and White P.A.; White and White Inc.; White and White Limited; White and White PLC
- 6) **Articles:** A proposed name is deemed to be "similar" to an existing registration if the presence or absence of articles of speech (a, an, or the) comprise the difference. Thus, names otherwise identical except for the presence of "a", "an", or "the" are considered to be similar
  - a. A Life Center of Massage; Life Center Massage
  - b. Profile Builders of Mount Washington; Profile Builders in Mt. Washington; Profile Builders at Mt. Washington
- 7) **Word Endings and Suffixes.** A proposed name is deemed to be "similar" to an existing registration if the proposed name is identical except that one or more words has a different ending.
  - a. Hills Markets Co.; Hills Market Ltd.; Hill Market Inc
  - b. ABC Remodeling & Contracting Co.; ABC Remodelers and Contractors LTD.

- 8) **Conjunctions:** A proposed name is deemed to be "similar" to an existing registration if a word, space or symbol used to join the clauses, phrases, or words (and, or, as, but, because, however, +, ?, -, &) comprises the difference
- a. AP Supermarket, A & P Supermarket, A 'N P Supermarket and A/P Supermarket
  - b. Moody and Moody P.A.; Moody, Moody P.A.
  - c. G and C Enterprises Co.; G & C Enterprises Corporation; G/C Enterprises Co.; G.C. Enterprises Corporation; G.C.'s Enterprises Inc.
- 9) **Word spacing or combining:** A proposed name is deemed to be "similar" to an existing registration if the addition or subtraction of spaces (" ") is the difference
- a. Twin State Motors, Twinstat Motors.
  - b. Mid Co Inc.; MidCo Inc.
  - c. Hilltop Stables Inc.; Hill Top Stables Inc
  - d. Outbound Travel Co.; Out Bound Travel Inc.
  - e. Northwest Homes Co.; North West Homes Inc
- 10) **Presence or Absence of Letters, Numbers, or Symbols:** A proposed name is deemed to be "similar" to an existing registration if the difference consists of the presence or absence of letters, numbers, or symbols which do not sufficiently alter the name so as to be readily distinguishable.
- a. #1 Auto Sales Inc.; 1 Auto Sales Ltd.; No. One Auto Sales Inc.; Number 1 Automotive Sales
  - b. 1<sup>st</sup> Choice Real Estate; First Choice Realty; #1 Choice Real Estate
- 11) **Different spellings** of proper names that sound the same or almost the same are considered similar.
- a. (Schmidt Tackle Shop; Shmit Tackle Shop.
  - b. Saint Andrew's Catering; St. Andrew's Catering
  - c. Kelley's Pub; Kelly's Pub
  - d. Smith Construction; Smythe Construction; Smithe Construction
- 12) The addition of a world-wide web prefix or suffix does not distinguish a proposed name from an existing registration nor does it make a generic word sufficiently unique
- a. Whitehouse.com, Whitehouse.org, Whitehouse.net
  - b. [WWW.Whitehouse.com](http://www.whitehouse.com); Whitehouse Company; HTTP//Whitehouse.org
- 13) **Plurals and Possessives:** A proposed name is deemed to be "similar" to an existing registration if the plural or possessive forms of a word or name is the only difference
- a. Chief Auto Body, Chiefs Auto Body, Chief's Auto Body
  - b. Thief's Den; Thieves Den
  - c. Country Mouse Dining; Country Mice Dining
- 14) **Unique or Improper Spelling:** A proposed name is deemed to be "similar" to an existing registration if the unique, archaic, or improper spelling of a word or words makes up the difference
- a. B-4 the Fall, Before the Fall
  - b. Kwik Kar Wash; Quick Car Wash
  - c. Brown Dog Crafts; Brown Dawg Crafts
  - d. Bow Hair Care; Beau Hare Care
- 15) **Numbers:** A number printed or spelled is treated as identical
- a. 2 Guys Painting; Two Guys Painting.
  - b. Brothers IV Restaurant; Four Brothers Restaurant

- 16) **Synonyms:** A proposed name is deemed to be "similar" to an existing registration if words that have the same meaning, when used to describe the purpose of the entity, are synonymous
- a. Anderson Realty, Anderson Real Estate
  - b. Callahan Restaurant; Callahan Dining; Callaghan Restaurant
  - c. Cobblestone Rental Properties; Cobblestone Realty Company; Cobblestone Development
  - d. Pine Tree Building; Pine Tree Construction
  - e. Millstream Pub; Millstream Bar
- 17) The written version of a symbol is considered to be the same as the symbol itself
- a. The Young Esquires ?; The Young Esquires Question
  - b. Brian's One to One Training; Brian's 1-2-1 training; Brian's 1 to 1 Training; Brian's One 2 One Training
- 18) **Abbreviations:** Abbreviations are considered to be the same as the root word. Use of an abbreviation does not significantly alter a name so as to make it distinguishable
- a. The Wizard of Oz. Measuring Cup; The Wizard of Ounces Measuring Cup
  - b. Mister Softy Inc.; Mr. Softie Corp.
  - c. St. Andrew's Catering; Saint Andrew's Catering
  - d. Mt. Washington Hotel & Resort; Mount Washington Resorts